

## **12 KAR 3:022. Guarantees.**

RELATES TO: KRS 250.501, 250.521

STATUTORY AUTHORITY: KRS 250.521(1)(b), 250.571(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for efficient enforcement of KRS 259.491 to 250.631. KRS 250.521(1)(b) requires that a commercial feed label contain a guaranteed analysis that advises the purchaser of the composition of the feed or to support claims made in the labeling. This administrative regulation establishes a uniform format for expressing guarantees for pet foods.

Section 1. A guaranteed analysis shall not be expressed as a range, such as "protein 15-18 percent".

Section 2. (1) The label of a pet food that is a mineral supplement shall include in the guaranteed analysis the minimum:

- (a) And maximum percentages of calcium;
- (b) Percentage of phosphorous;
- (c) And maximum percentages of added salt; and
- (d) Content of all other essential nutrient elements recognized by the Association of American Feed Control Officials (AAFCO) Dog or Cat Food Nutrient Profile.

(2) Each element shall be stated using the unit of measurement identified in the Nutrient Profile, except that:

(a) A product labeled with a quantity statement in units of tablets, capsules, granules, or liquid measures may express the mineral guarantees in milligrams (mg) per unit. The unit shall be consistent with the unit used in the quantity statement or directions for use; and

(b) A liquid expressed as a volume shall list a weight equivalent, with one (1) fluid ounce equal to twenty-eight (28) grams.

Section 3. The guaranteed analysis on a pet food label shall state the vitamin content as follows:

- (1) For Vitamin A, D, or E, in international units per kilogram (IU/kg);
- (2) For Vitamin B<sub>12</sub>, in milligrams per kilogram (mg/kg) or in micrograms per kilogram (ug/kg); or
- (3) For all other vitamins, in milligrams per kilogram (mg/kg).

Section 4. A vitamin supplement shall guarantee the minimum content of each vitamin declared in the ingredient statement. A vitamin guarantee shall be stated using the unit of measurement required by Section 3 of this administrative regulation; or per quantity unit (tablet, capsule, granule, or liquid measure) consistent with the quantity statement or directions for use. A liquid expressed as a volume shall list a weight equivalent, with one (1) fluid ounce equal to twenty-eight (28) grams.

Section 5. (1) A comparison may be stated using the units of measurement used by AAFCO if the label:

- (a) Does not claim that the pet food is a vitamin or mineral supplement; and
- (b) Includes a table comparing a typical analysis of the vitamin, mineral, or nutrient content with the levels recommended in the AAFCO Dog or Cat Food Nutrient Profile.

(2) The statement in a table of comparison of the vitamin, mineral, or nutrient content shall:

- (a) Constitute a guarantee; and

(b) Appear on the label separate from the guaranteed analysis.

Section 6. (1) Except as provided in subsection (2) of this section, a percentage or other reference to a nutrient level established by the AAFCO Dog or Cat Food Nutrient Profile shall not be used on a pet food label.

(2) A direct comparison between the individual nutrient contents and the recommended nutrient profile may be made if the comparison is:

(a) Expressed in the same quantitative units; and

(b) Preceded by a statement that the product meets the nutrient profile recommended by AAFCO.

Section 7. A guarantee for crude protein, crude fat, or crude fiber shall not be required if:

(1) The pet food is intended for a purpose other than to furnish that substance; and

(2) The substance is of minor significance to the primary purpose of the product, such as a mineral or vitamin supplement.

Section 8. Incorporation by Reference. (1) "Official Publication," (1998 Edition), Association of American Feed Control Officials, is incorporated by reference.

(2) This material may be inspected, copied, or obtained at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m. (AES-2 (1973)-PF 4; 1 Ky.R. 1002; eff. 6-11-75; Am. 23 Ky.R. 1616; eff. 1-10-97; 25 Ky.R. 898; 2362; eff. 4-14-99.)